



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

87 WRIT PETITION NO. 9359 OF 2024

1. District Deputy Conservator of Forest
As Deputy Conservator of Forest,
Forest Office, Near Mahatma Gandhi Statue,
Nanded
 2. RFO Kinwat
Range Forest Officer,
Range Office, Kinwat, Dist. Nanded
 3. RFO Mahur,
Forest Range Officer,
Range Office, Mahur, Dist. Nanded
- ...Petitioners

VERSUS

The Marathwada Sarva Shramik Sanghatna
Through Its Secretary
Bapurao Keshavrao Panchal
Age, 72 years, Occu. Social Work
R/o. Trade Union Centre,
Mahaveer Nagar, Nanded

...Respondent

...

Mr. H. P. Jadhav, Advocate for the Petitioners
Mr. Rajdeep D. Raut, AGP for Respondents
Mr. Uday V. Khonde , for Sole Respondent

...

CORAM : ROHIT W. JOSHI, J.
DATED : 4th AUGUST 2025

ORAL JUDGMENT :-

1. Respondent is a Union of workers working with Forest
Department, Government of Maharashtra. The respondent had filed

complaint being complaint ULP No. 19 of 2022 *inter alia* seeking regularization in service as per policy of the State Government. It is the contention of the respondent-union that the employees whose names are included in Schedule-A appended to the complaint are regularly working with the petitioners for years together and in every calender year they have rendered more than 240 days of continuous service. It is contended that the petitioners have indulged in unfair labour practice by not regularizing the services of the said employees and treating them as daily wagers for years together. In the said complaint, the respondent has filed an application for interim relief vide Exhibit-U-2 which is allowed by the learned Industrial Court vide 12.08.2022, the operative order whereof reads as under :-

*“1) The application for interim relief is allowed.
2) The respondents are hereby restrained from giving the break to the services of the workmen of the complainant union as mentioned in annexure ‘A’ except for due procedure as per service conditions till hearing and final disposal of complaint.”*

2. The learned Counsel for the petitioners contends that the petitioners cannot offer work round the year to the employees since work is of seasonal nature. He further contends that there is no material on record to demonstrate that the said workers have rendered 240 days of continuous service in any given calender year.

As regards regularization, the contention is that the petitioners do not have any authority to regularize the services of the said employees and decision in that regard only can be taken by the Government.

3. Per contra, the learned Counsel for respondent-Union strenuously argues that the fact that all the employees have rendered services with the petitioners is not in dispute. He contends that records pertaining to employment are with the petitioners and it is for them to produce the same. The contention of the respondent is that the employees are being victimized by not granting them benefit of regularization. He contends that it was necessary to pass interim order in favour of the employees since there is bonafide apprehension that, because of filing of the complaint, services of the said employees may be terminated by the petitioners.

4. Having heard the rival submissions as aforesaid, in the considered opinion of this Court ends of justice will be subserved by directing that as and when the petitioners are in need of employees on daily wages, work will be allotted to the employees whose names are mentioned in Schedule-A appended to the complaint on priority basis. Such employees will be paid wages as per the applicable

Schedule of Minimum Wages Act, 1948 as is payable to the workers employed on daily wages. This arrangement shall continue till final disposal of the complaint ULP No.19 of 2022.

5. The learned Counsel for the petitioner makes a request for directing the learned member of Industrial Court to decide the complaint expeditiously. The complaint is filed in the year 2022 and a period of around three and half years has lapsed. In such circumstances, it will be appropriate that the learned Industrial Court is directed to decide complaint finally on or before 31st March 2026.

Writ Petition is **disposed of** accordingly.

6. Proceedings of Criminal ULP No. 01/2023 shall remain stayed till final disposal of complaint ULP No.19 of 2022.

7. The respondent will be at liberty to amend the prayer clause appropriately in order to seek wages for the intervening period.

[ROHIT W. JOSHI, J.]